

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	GN Docket 20-109;
)	ITC-214-20010613-00346;
)	ITC-214-20020716-00371;
China Telecom (Americas) Corporation)	ITC-T/C-20070725-00285

**MOTION FOR AN EXTENSION OF TIME TO DISCONTINUE
COMMON CARRIER OPERATIONS**

China Telecom (Americas) Corporation (“CTA”), by its undersigned counsel and pursuant to 47 C.F.R. § 1.46, respectfully requests that the Federal Communications Commission (“FCC” or “Commission”) grant CTA a limited extension of time to discontinue its common carrier operations, per the Commission’s Order on Revocation and Termination, released on November 2, 2021.¹ This extension request is limited to CTA’s resold mobile services as a mobile virtual network operator (“MVNO”), provided under the brand name “CTExcel.” CTA has a tentative arrangement, subject to certain conditions discussed further below, to transfer its customer base to an established U.S. company [BEGIN CONFIDENTIAL] [END CONFIDENTIAL] (“Transferee”), and therefore, requests that the Commission grant an extension to CTA to discontinue its resold mobile services operations from 60 days to (a) 90 days for CTA and Transferee to negotiate and enter into a binding agreement for CTA to transfer its CTExcel customer base to Transferee, or 5 business days after the FCC’s approval of CTA’s transfer of

¹ See *China Telecom (Americas) Corp.*, GN Docket No. 20-109, Order on Revocation and Termination, FCC 21-114 (rel. Nov. 2, 2021).

its CTExcel customer base to Transferee, whichever is later;² and (b) in the event that CTA and Transferee fail to reach an agreement after the 90-days period, an additional 60 days for CTA will promptly start the wind-down process of its MVNO operation and comply with the requisite federal and state regulatory requirements, including by notifying the CTExcel customers 30-60 days prior to the service discontinuance date. In support of this Motion, CTA states as follows:

1. On April 9, 2020, the National Telecommunications and Information Administration submitted to the FCC, Team Telecom's³ recommendation that the FCC revoke and terminate CTA's international section 214 common carrier authorizations.⁴

2. On April 24, 2020, the Chiefs of the FCC's International, Wireline Competition, and Enforcement Bureaus issued an Order to Show Cause, requesting that CTA demonstrate why the FCC should not initiate a proceeding to revoke and terminate CTA's domestic and international section 214 authorizations in light of Team Telecom's recommendation.⁵

² CTA recently filed a Motion for Stay of the Order on Revocation and Termination pending judicial review. If the Commission grants the motion for stay, this request for an extension of time will be moot, and the Commission may treat it as withdrawn.

³ Team Telecom issued its recommendation before the President issued an Executive Order on April 4, 2020, converting this informal group into a formally chartered entity, the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the "Committee"). Executive Order No. 13913, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, 85 FR 19643 (April 8, 2020). For purposes of this Motion, we refer to Team Telecom and its successor, the Committee, as a single entity.

⁴ *China Telecom (Americas) Corp.*, GN Docket No. 20-109, File Nos. ITC-214-20010613-00346, ITC-214-20020716-00371, ITC-T/C-20070725-00285, Executive Branch Recommendation to the Federal Communications Commission to Revoke and Terminate China Telecom Americas' International Section 214 Common Carrier Authorizations (filed Apr. 1, 2020) ("Public Recommendation").

⁵ *China Telecom (Americas) Corp.*, GN Docket No. 20-109, 35 FCC Rcd 3713, Order to Show Cause (Apr. 24, 2020) ("Order to Show Cause").

3. On December 14, 2020, the Commission issued its Order Instituting Proceedings on Revocation and Termination (“Order Instituting Proceedings”) to “revoke the domestic authority and revoke and/or terminate the international authorizations issued to” CTA.⁶

4. On November 2, 2021, the Commission issued its Order on Revocation and Termination, which directs CTA to discontinue within 60 days any domestic or international services that it provides pursuant to its section 214 authority.⁷ This includes CTA’s resold mobile services, which currently serves over [BEGIN CONFIDENTIAL] [END CONFIDENTIAL] customers, the vast majority of which are individuals.⁸ CTA, under the brand name “CTExcel,” provides three types of mobile resale services: prepaid, postpaid, and pay as you go.⁹

5. CTA has executed a non-binding letter of intent with Transferee for a transaction pursuant to which CTA would transfer its mobile resale customer base to Transferee which is 100% owned by a U.S. citizen ([BEGIN CONFIDENTIAL] [END CONFIDENTIAL]) and currently holds an international 214 authorization.¹⁰ The Transferee is also a large distributor of internet hotspots to in-need students. The letter of intent is subject to Transferee completing its due diligence and obtaining all the required regulatory approvals, which

⁶ See *China Telecom (Americas) Corporation*, Order Instituting Proceedings on Revocation and Termination and Memorandum Opinion and Order, 35 FCC Rcd 15006 (2020).

⁷ See Order on Revocation and Termination, *supra* note 1.

⁸ See *China Telecom (Americas) Corp.*, GN Docket No. 20-109, Response to Order to Show Cause (filed June 8, 2020). The number of customers [BEGIN CONFIDENTIAL] [END CONFIDENTIAL] since the filing of the Response to Order to Show Cause.

⁹ *Id.*

¹⁰ The International Bureau granted Transferee’s authorization under File No. [BEGIN CONFIDENTIAL] [END CONFIDENTIAL]. *International Authorizations Granted, Section 214 Applications* (47 C.F.R. §§ 63.18, 63.24); *Section 310(b) Petitions* (47 C.F.R. §§ 1.5000), Report No. [BEGIN CONFIDENTIAL]

[END CONFIDENTIAL].

will take at least 3 months, or 90 days, to complete. A declaration by [BEGIN CONFIDENTIAL]

[END CONFIDENTIAL], attesting to Transferee's undertaking of due diligence and the necessary duration of at least 3 months, or 90 days, is attached as Exhibit 1.

6. The requested extension serves the public interest by allowing CTA the opportunity to complete the transaction with Transferee and ensuring that CTA's existing U.S. mobile resale customers will not be harmed by an abrupt termination of service. Because the service for which this extension is requested is a wholly resale service, CTA does not have any access to the networks used to complete its customers' calls, and thus to the extent that the Commission's revocation action was based on a concern regarding CTA's access to network facilities, there is minimal risk of harm to national security resulting from a brief extension.

7. The requested extension will also serve the public interest, convenience, and necessity by providing Transferee sufficient time to develop and implement multi-language capabilities, including support of Chinese language, within its services to replicate the CTEExcel services currently provided by CTA to its customers, many of whom do not speak or write English.

8. For the foregoing reasons, CTA requests that the Commission extend the time for it to discontinue its mobile resale services by (a) an additional 30 days, for a total of 90 days, or 5 business days after the FCC approves CTA's transfer of its CTEExcel customer base to Transferee, whichever is later, for CTA and Transferee to enter into a binding agreement; and (b) if the parties fail to reach an agreement at the end of the 90-days period, an additional 60 days for CTA to winddown its MVNO operation and comply with the requisite regulatory requirement. CTA submits that this extension is reasonable and justified in the public interest because allowing CTA's transaction with Transferee to occur will ensure that CTA's customers have continuity of service,

and this relatively brief delay will not cause prejudice to any person or pose any risk of harm to national security.

WHEREFORE, CTA requests that the Commission grant this motion and extend the time for its discontinuance of CTA's mobile resale services.

Respectfully submitted,

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November 19, 2021

REDACTED – FOR PUBLIC INSPECTION

EXHIBIT 1

REDACTED IN ITS ENTIRETY